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MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 December 1991 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to enclose:

(a) The text of the statement made by the Lord Advocate of Scotland on 14 November 1991 relating to the investigation into the destruction of a Pan Am airliner over Scotland on 21 December 1988 with the loss of 270 lives (annex I);

(b) The text of the Foreign Secretary's statement on the matter in the British Houses of Parliament on 14 November 1991 (annex II);

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* This communication is reissued at the request of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

(c) The text of a statement issued by the British Government on 27 November 1991 (annex III).

I should be grateful if you would have this letter and its enclosures circulated as a document of the General Assembly, under agenda item 125, and of the Security Council.

(Signed) D. H. A. HANNAY

ANNEX

Announcement by the Lord Advocate of Scotland on 14 November 1991

The Lockerbie investigation has now been in progress for almost three years. In the recent months the Lockerbie investigation team headed by the Chief Constable of Dumfries and Galloway Mr. George Esson and the Senior Investigating Officer Chief Superintendent Stuart Henderson have been reporting to the Procurator Fiscal on the results of the investigation.

In consultation with the United States Attorney General I have concluded there is sufficient evidence to justify application to the Court for warrants for the arrest of named individuals. I instructed the Procurator Fiscal at Dumfries to make the necessary application to the Sheriff and yesterday Mr. MacDougall obtained from him the grant of warrants for the arrest of two Libyan nationals on charges of conspiracy, murder and contravention of the Aviation Security Act 1982.

The two accused are Abdelbaset Ali Mohmed Al Megrahi and Al Amin Khalifa Fhimah.

It is alleged that Megrahi is a senior officer of the Libyan Intelligence Services, holding positions with Libyan Arab Airlines and as Director of the Centre for Strategic Studies in Tripoli at the time of these offences.

It is alleged that Fhimah was also an officer of the Libyan Intelligence Services, holding a position as Station Officer with Libyan Arab Airlines in Malta.

The first charge in the petition is that between 1 January 1985 and 21 December 1988 at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli, Libya, at a special forces training area, Sabha, Libya, at the premises occupied by the firm Mebo Ag at the Novapark Hotel, Zurich, Switzerland, at the Holiday Inn and the Libyan Cultural Centre, both in Sliema, Malta, at the house occupied by Fhimah at 3 St. John's Flat, Mosta, Malta, at Luqa Airport, Malta, and at the Libyan People's Bureau, East Berlin, German Democratic Republic, and elsewhere in Libya, Malta, Switzerland, Czechoslovakia and the German Democratic Republic.

Being members of the Libyan Intelligence Services, and in particular Megrahi being the Head of Security of Libyan Arab Airlines and thereafter Director of the Centre for Strategic Studies, Tripoli, Libya and Fhimah being the Station Manager of Libyan Arab Airlines in Malta.

Did conspire together and with others to further the purposes of the Libyan Intelligence Services by criminal means, namely the commission of acts of terrorism directed against nationals and the interests of other countries and in particular the destruction of a civil passenger aircraft and murder of its occupants.

And, in pursuance of the conspiracy, while acting in concert together and with others

(a) Between 1 January 1985 and 31 December 1985, at the premises occupied by Mebo Ag, in Zurich, at the premises of the Libyan Intelligence Services, in Tripoli, at the Libyan People's Bureau, East Berlin and elsewhere, they did order, cause to be manufactured and obtain from the firm of Mebo Ag twenty electronic timers capable of detonating explosive devices;

(b) Between 1 January 1985 and 31 July 1986 at the special forces training area at Sabha, Libya, they did cause the effectiveness of such timers to be tested in conjunction with explosives;

(c) Between 20 March 1986 and 31 December 1988, within the offices of Libyan Arab Airlines at Luqa Airport, Malta, and at the said Libyan Cultural Centre, Sliema, and elsewhere in Malta they did have in their possession and under their control a quantity of high performance plastic explosive;

(d) Between 31 July 1987 and 21 December 1988, within the premises occupied by Mebo Ag, in Zurich they did establish and maintain a pretended business under the name Abh as a cover for the operations of the Libyan Intelligence Services;

(e) On 20 February 1988 at Dakar Airport, Senegal, they did cause one of these timers, together with other components of an improvised explosive device, including a quantity of high performance plastic explosive and a firearm and ammunition, to be introduced into Senegal for terrorist purposes;

(f) Between 1 September 1988 and 21 December 1988, at Eucharistic Congress Road, Malta, they did establish and maintain a pretended business to be known as and under the name of Med Tours or Medtours Services Limited, as a cover for the operations of the Libyan Intelligence Services;

(g) Between 1 and 20 December 1988, at the premises occupied by Mebo Ag, in Zurich at the premises occupied by Megrahi and by the Libyan Intelligence Services, in Tripoli and elsewhere in Switzerland and Libya they did order and attempt to obtain delivery of forty further such timers from the firm of Mebo Ag;

(h) Between 1 and 21 December 1988, at Luqa Airport, Malta, or elsewhere in Malta they did unlawfully acquire airline luggage tags;

(i) On 7 December 1988 in the shop premises known as Mary's House at Tower Road, Sliema, Malta, they did purchase a quantity of clothing and an umbrella;

(j) On 20 December 1988 at Luqa Airport, Malta, Megrahi did enter Malta using a passport in the false name of Ahmed Khalifa Abdusamad and they did cause a suitcase to be introduced to Malta;

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(k) On 20 and 21 December 1988 Megrahi did reside at the Holiday Inn, Sliema, Malta, under the false identity of Ahmed Khalifa Abdusamad; and

(l) On 21 December 1988 at Luqa Airport, they did place or cause to be placed on board an aircraft of Air Malta Flight KM180 to Frankfurt Am Main Airport, Federal Republic of Germany, the suitcase or a similar suitcase containing clothing and umbrella and an improvised explosive device containing high performance plastic explosive concealed with a radio cassette recorder and programmed to be detonated by one of the electronic timers, having tagged or caused such suitcase to be tagged so as to be carried by aircraft from Frankfurt Am Main via London, Heathrow Airport to New York, John F. Kennedy Airport.

And such suitcase was thus carried to Frankfurt Am Main Airport and there placed on board an aircraft of Pan American World Airways Flight PA103A and carried to London, Heathrow Airport and there, in turn, placed on board an aircraft of Pan American World Airways Flight PA103 to New York, John F. Kennedy Airport.

And the improvised explosive device detonated and exploded on board the aircraft flight PA103 while in flight near to Lockerbie, whereby the aircraft was destroyed and the wreckage crashed to the ground and the 259 passengers and crew and 11 residents of Lockerbie hereof were killed and they did murder them.

The second alternative charge is one of murder on a more restricted basis.

The third alternative charge is that being members of the Libyan Intelligence Services and having, while acting in concert with others, formed a criminal purpose to destroy a civil passenger aircraft and murder the occupants and having obtained possession of and tested the effectiveness of electronic timers and being in possession of and having under their control a quantity of high performance plastic explosive, they did on and between the dates and at the places and by the means stated in the second charge unlawfully and intentionally destroy the aircraft in service and commit on board the aircraft in flight acts of violence which were likely to and did endanger the safety of the aircraft, in respect that they did murder those 270 persons: contrary to the Aviation Security Act 1982, Section 2(1) and (5).

Both accused are believed to be in Libya. The warrants will be circulated through Interpol but it is considered unlikely that they will be arrested in the normal way. A demand is being made to Libya for the surrender of these men for trial.

A simultaneous announcement is being made in Washington by Attorney General Barr following on the handing down of an indictment by a Grand Jury in Washington. The terms of the United States indictment and the Scottish petition have been drawn up in full consultation. Differences between the indictment and petition are explained by differences in our legal systems and procedures and I would wish to make it clear that we are in full agreement on

the allegations made. The charges are essentially identical and are in respect of the same two accused persons.

This does not mark the end of the police investigation, although it plainly marks the most important public development to date in this unique criminal inquiry. I would wish to pay tribute to the outstanding work and ongoing commitment shown by many police officers and agencies not only in this country but throughout the world in their determined efforts to solve this crime.

I would wish to make particular mention of the extraordinary work done by forensic scientists and other specialists.

I remain committed to bring this matter to a proper conclusion in a Court of Law whether it is to be in this country or in the United States.

I must remind the media that for the purposes of the Contempt of Court Act 1981 proceedings became active when Sheriff Barr granted warrants for arrest. The Chief Constable and I cannot and will not comment on the evidence on which these charges are based.

ANNEX II

Statement by the Foreign Secretary, The Rt. Hon. Douglas Hurd, in the House of Commons, 14 November 1991

Mr. Speaker,

With permission, I should like to make a statement about the conclusion of the Lockerbie investigation and its implications.

My noble and learned friend the Lord Advocate has today announced the issue of warrants for the arrest of two Libyan Intelligence Officers against whom, on the basis of the evidence available, the Procurator Fiscal has brought charges alleging their involvement in the destruction of Pan Am Flight 103 on 21 December 1988. The American authorities have taken similar action.

Two hundred seventy people were killed at Lockerbie, 66 of them British. The relatives and friends of these victims have suffered and continue to suffer great pain and sorrow. The House will be thinking of them today.

Mr. Speaker, as the Lord Advocate has said a demand is being made of the Libyan authorities for the surrender of the accused to stand trial. I repeat that demand on behalf of the whole Government. I know the House will unreservedly endorse it.

The accusations levelled at Libyan officials are of the gravest possible kind. As the warrants which the Lord Advocate will be making public make clear, the charges allege that the individuals acted as part of a conspiracy to further the purposes of the Libyan Intelligence Services by criminal means, and that those means were acts of terrorism. This was a mass murder, which is alleged to involve the organs of government of a State. Libyan officials have been accused of this crime not only in Scotland and America but also in France where arrest warrants were issued on 30 October over the destruction of Flight UTA 772 in September 1989. We are consulting the United States and other friendly governments, many of whom lost nationals in Flight Pan Am 103, about the next steps.

I understand that the investigation has revealed no evidence to support suggestion of involvement by other countries. This matter does not therefore affect our relations with other countries in the region.

Let me pay tribute to all of those whose untiring work under the direction of the Lord Advocate over almost three years has produced this remarkable outcome. In particular, I salute the work of the Dumfries and Galloway Constabulary, and all those in many parts of the world who have helped with the gathering of evidence and information. The Government is grateful for all the help given to the investigation in many countries.

We expect Libya to respond fully to our demand for the surrender of the accused. The interests of justice require no less. This fiendish act of wickedness cannot be passed over or ignored.

ANNEX III

Statement issued by the British Government on 27 November 1991

Following the issue of warrants against two Libyan officials for their involvement in the Lockerbie atrocity, the Government demanded of Libya the surrender of the two accused for trial. We have so far received no satisfactory response from the Libyan authorities.

The British and American Governments today declare that the Government of Libya must:

- Surrender for trial all those charged with the crime; and accept complete responsibility for the actions of Libyan officials.

- Disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers.

- Pay appropriate compensation.

We are conveying our demands to Libya through the Italians, as our protecting power. We expect Libya to comply promptly and in full.